

Monday, November 1, 2021

TO REQUEST A HEARING ON ANY MATTER ON THIS CALENDAR, YOU MUST CALL THE COURT AT (209) 257-2692 BY 4:00 P.M. ON THE DAY PRECEDING THE HEARING. NOTICE OF THE INTENTION TO APPEAR MUST ALSO BE GIVEN TO ALL OTHER PARTIES.

IF THE CLERK IS NOT NOTIFIED OF A PARTY’S INTENTION TO APPEAR, THERE WILL BE NO HEARING AND THE TENTATIVE RULING WILL BECOME THE ORDER OF THE COURT. NO FURTHER NOTICE OF THE COURT’S RULING WILL BE PROVIDED.

17-CVC-10146 TECHNOLOGY BUSINESS LAW GROUP LLC VS. NEW WAVE INNOVATIONS INC  
DBA FARO AND ASS

**DEFENDANT’S EX PARTE HEARING**

TENTATIVE RULING:

Defendant/Cross-Complainant New Wave Innovations’ Application for Protective Order; Order Allowing Additional Time for Testimony and for Deponent to Attend and for Sanctions is DENIED.

To move for a protective order, the moving party must submit a “meet and confer” declaration under CCP § 2016.040. (CCP § 2030.090(a); 2033.080(a).) The meet and confer declaration must state facts showing reasonable and good faith attempt at an informal resolution of each issue presented by the motion. (CCP §2016.040.)

While the moving party’s declaration and the transcript attached show that Mr. Fick did attempt, several times throughout Mr. Faro’s deposition, to communicate to Mr. Small that Mr. Faro’s conduct was unacceptable, this does not constitute a sufficient meet and confer declaration stating facts showing reasonable and good faith attempt at informal issues presented by the motion under CCP § 2016.040.

In fact, the transcript shows that it was Mr. Small who attempted to meet and confer by asking Mr. Fick to proffer the questions that he had yet to ask and the areas of inquiry and exhibits that he had been unable to get answered, etc. Mr. Fick declined that request and did not identify any other topics to be covered. (Fick Decl. Exh. 1, p.152, lines 17-22.) There is no indication that meet and confer efforts occurred after the deposition concluded, prior to filing the motion.

The court finds the moving party failed to engage in reasonable and good fair efforts to resolve informally each issue presented by the motion.

Unless a hearing is requested, this ruling is effective immediately. Neither further notice of the ruling nor a formal order per CRC 3.1312 is required.

20-CVC-11803 BRENNAN, TAMARA VS. RAY PROPERTIES KIT CARSON INC

**CIVIL MISCELLANEOUS MOTION - DEFENDANTS**

TENTATIVE RULING:

On the court’s own motion Defendant’s Motion to Compel Arbitration and Plaintiff’s Motion to Strike Petition to Compel Arbitration are continued to November 8, 2021 at 8:30 a.m. in Department 1.

Unless a hearing is requested, this ruling is effective immediately. Neither further notice of the ruling nor a formal order per CRC 3.1312 is required.